

**AO 91 (Rev. 11/11) Criminal Complaint**

UNITED STATES DISTRICT COURT  
for the District of Arizona

# SEALED

United States of America  
v.

## Jon Frederick Ewens

**Defendant(s)**

Case No.

23-5138MJ

**CRIMINAL COMPLAINT**

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

**COUNT 1**

On or about January 17, 2023, in the District of Arizona and elsewhere, the defendant, JON FREDERICK EWENS, did knowingly and willfully transmit in interstate and foreign commerce a threat to injure the person of another: to wit, the defendant sent an internet communication threatening to injure and harm R.M.

**In violation of Title 18, United States Code, Section 875(c).**

**COUNT 2**

On or about March 15, 2023, in the District of Arizona and elsewhere, the defendant, JON FREDERICK EWENS, did knowingly and willfully transmit in interstate and foreign commerce a threat to injure the person of another: to wit, the defendant sent an internet communication threatening to injure and harm R.M.

**In violation of Title 18, United States Code, Section 875(c).**

**COUNT 3**

On or about March 15, 2023, in the District of Arizona and elsewhere, the defendant, JON FREDERICK EWENS, did knowingly and willfully transmit in interstate and foreign commerce a threat to injure the person of another: to wit, the defendant sent an internet communication threatening to injure and

harm R.M.

In violation of Title 18, United States Code, Section 875(c).

**COUNT 4**

On or about March 16, 2023, in the District of Arizona and elsewhere, the defendant, JON FREDERICK EWENS, did knowingly and willfully transmit in interstate and foreign commerce a threat to injure the person of another: to wit, the defendant sent an internet communication threatening to injure and harm R.M.

In violation of Title 18, United States Code, Section 875(c).

**COUNT 5**

On or about March 17, 2023, in the District of Arizona and elsewhere, the defendant, JON FREDERICK EWENS, did knowingly and willfully transmit in interstate and foreign commerce a threat to injure the person of another: to wit, the defendant sent an internet communication threatening to injure and harm R.M.

In violation of Title 18, United States Code, Section 875(c).

**COUNT 6**

On or about March 17, 2023, in the District of Arizona and elsewhere, the defendant, JON FREDERICK EWENS, did knowingly and willfully transmit in interstate and foreign commerce a threat to injure the person of another: to wit, the defendant sent an internet communication threatening to injure and harm R.M.

In violation of Title 18, United States Code, Section 875(c).

**COUNT 7**

Beginning on or about January 17, 2023, and continuing until on or about March 22, 2023, in the District of Arizona and elsewhere, the defendant, JON FREDERICK EWENS, with the intent to kill, injure, harass, and intimidate another person, used any interactive computer service and electronic communication service and electronic communication system of interstate commerce, and any other facility of interstate and

foreign commerce, to engage in a course of conduct that caused, attempted to cause, and would reasonably have been expected to cause substantial emotional distress to R.M., and placed her in reasonable fear of death and serious bodily injury.

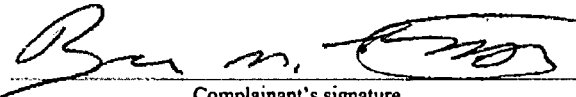
In violation of Title 18, United States Code, Sections 2261A(2) and 2261(b).

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause, Incorporated by Reference Herein

☒ Continued on the attached sheet.

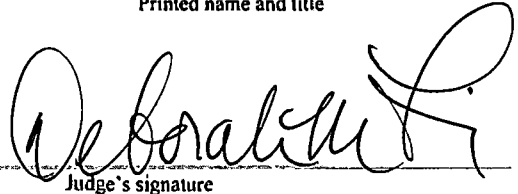
Reviewed by AUSA Abbie Broughton Marsh

  
Complainant's signature

Brian Teston, Deputy U.S. Marshal, USMS  
Printed name and title

Sworn to and subscribed by telephone

Date: March 23, 2023  
5:32pm

  
Judge's signature

City and state: Phoenix, Arizona

Honorable Deborah M. Fine, U.S. Magistrate Judge  
Printed name and title

**ELECTRONICALLY-SUBMITTED STATEMENT OF PROBABLE CAUSE**

I, Brian M. Teston, being duly sworn, depose and state the following:

**INTRODUCTION AND BACKGROUND**

1. I am a Deputy U.S. Marshal (DUSM) with the United States Marshals Service (USMS), and I have been so employed for approximately sixteen years. As a DUSM of the USMS, I am an investigative or law enforcement officer within the meaning of Section 2510(7) of Title 18 of the United States Code; that is, I am an officer of the United States who is authorized by law to conduct investigations of, and make arrests for, offenses enumerated in Title 18.

2. I am assigned to the Judicial Security Unit (JSU). In the course of my official duties, I am charged with the investigation of crimes involving the violation of offenses under Title 18, including cyberstalking and threatening via interstate communications. The following information was developed by me and/or provided to me by other law enforcement officers, and other persons, in connection with the USMS investigation. The information contained in this affidavit is from my personal knowledge, as well as from information provided to your affiant by other law enforcement officers and/or witnesses, including those listed herein. Due to the fact that this affidavit is being made to establish probable cause, your affiant has not listed each and every fact known regarding this investigation.

3. The facts of this case, briefly summarized, are that on or about and between January 17, 2023, and March 22, 2023, in the District of Arizona and elsewhere, there is probable cause to believe that Jon Frederick EWENS ("EWENS") committed Interstate

Communications Involving a Threat, in violation of 18 U.S.C. § 875(c), as well as Cyberstalking, in violation of 18 U.S.C. § 2261A(2) and 2261(b), by posting web comments that threatened to kill a Federal District Court Judge in the District of Arizona, whose initials are "R.M." (hereinafter, "the victim").

4. In the web comments, EWENS makes explicit threats that he is going to kill the victim. EWENS uses vulgar, derogatory, and harassing epithets in the course of threatening the life of the victim.

#### **PROBABLE CAUSE**

5. On or about January 17, 2023, your affiant was contacted by an Administrative Assistant (AA) from the United States District Court in the District of Arizona regarding threats being posted on the District of Arizona courts website "www.azd.courts.gov/node/148/submission." The AA forwarded to the U.S. Marshals numerous web comments, some of which are reproduced below, submitted by a user from IP address "184.180.184.145." The user listed his full name as Jon EWENS from the city of Scottsdale, Arizona. EWENS listed his e-mail as "ewensjon@gmail.com."

6. The following are the contents of six of the web comments provided to me by the District Court AA:

- a. On January 17, 2023 EWENS commented: "Judge [the victim] I am going to kill you. I need three hots and a cot and roof over my head and many other things. Rot in hell you reverse racist pig!" This comment was posted at 11:05 am. In this comment, was signed "Heil Hitler 4201889, Heil Ceausescu 03151918, Heil Botha 01121916, Heil Ewens 10071985".

- b. On March 15, 2023 EWENS commented: "Judge [the victim] I am going to kill you." This comment was posted at 10:43 am.
- c. On March 15, 2023 EWENS commented: "Judge [the victim] I am going to kill you." This comment was posted at 10:44 am.
- d. On March 16, 2023 EWENS commented: "Judge [the victim] I am going to kill you." This comment was posted at 11:14 am.
- e. On March 17, 2023 EWENS commented: "Judge [the victim] I am going to kill you. I am going to get a straw gun purchase on tucson.craigslist.com and go to the Federal Bigotasulym courthouse and fucking shoot u. U do that because of my skin color. I do not like you. You said I have no right to own a firearm I am going to buy a strawgun and kill you. I do not stand for your kinds reverse racism and bigotry and tolerance of me." This comment was posted at 11:14 am.
- f. On March 17, 2023 EWENS commented: "Judge "the victim" I am going to buy a strawgun and shoot you." This comment was posted at 11:22 am.

7. EWENS posted 11 additional comments to the District of Arizona website between March 16 and March 22, 2023. On March 16, at 11:22 am, the comment was solely the victim's name. On March 18, 19, 20, 21, and 22 each comment stated "I am going to kill you." They were all posed between 11:00 am and 1:14 pm each of those dates. The same email address: "ewensjon@gmail.com" and IP address were used in each of the comments.

8. The user of the "ewensjon@gmail.com" email account is believed to be Jon Frederick EWENS, who is believed to be homeless in the area of Scottsdale, Arizona. EWENS was previously convicted in case 4:14-cr-01873-RM-BGM United States v. Ewens. In that case, EWENS sent threatening e-mails to kill Supreme Court Justice Samuel Alito and Congressperson Gabrielle Giffords. Victim R.M. was the appointed District Judge in the case. EWENS pleaded guilty on March 17, 2016, to a violation of Title 18 U.S.C § 875 (c) Transmitting in Interstate Commerce a Communication Threatening to Injure Another Person. On November 21, 2017, EWENS was sentenced by the victim to a sentence of Time Served followed by three years Supervised Release.

9. On January 27, 2023, I received a Grand Jury Subpoena records request return from Google, for EWENS e-mail account, "ewensjon@gmail.com" It was determined that this e-mail was indeed an account belonging to EWENS. The records return data did not reveal any phone numbers, or alternate Google accounts associated with EWENS. The IP activity data did show that the email account had been accessed by IP address 184.180.184.145. Per the District Court records associated with the threatening comments, the same IP address was used to send all threatening comments directed to the victim. Google records showed that on January 17, 2023, Ewens' email was logged in from the IP address at the same time the threat was sent from that IP address.

10. On February 7, 2023, I received a Grand Jury Subpoena records request return from Cox Communications for IP address identification. The record revealed that the IP address is for the Scottsdale Center for the Arts, located at 7384 E. 2<sup>nd</sup> Street, Scottsdale, AZ. This location is right across the street from the Scottsdale Civic Center

Public Library. I know from reviewing information from EWENS' prior threats conviction in 4:14-cr-01873-RM-BGM that this location is the same location from which EWENS sent his threatening e-mails in his previous case. Further information obtained from local Law Enforcement resources, identified that the IP address was in fact the external IP address for the Scottsdale Civic Center Public Library. All threatening comments included in this complaint were documented to have originated from this same IP address (184.180.184.145).

11. On March 20, 2023, a member of the USMS JSU observed EWENS at a computer station at the Scottsdale Civic Center Public Library located at 3839 N. Drinkwater Blvd. Scottsdale, AZ 85251. EWENS was logged into the computer station from approximately 12:20 pm to 1:25 pm. During this time EWENS sent two additional web comments at 1:09 pm and 1:13 pm both stating, "I am going to kill you." Several pictures were taken of EWENS to compare with recent photos shared by local Law Enforcement taken during previous police contact. The photographs taken March 20, 2023 were consistent, and clearly identified EWENS.

12. On March 21, 2023, I was able to obtain library card information for EWENS associated with the Scottsdale Public Library, Civic Center location. EWENS has four different library cards in his name. The card numbered 1000154854490 registered to EWENS was used to log in and out of the computer terminals in the Civic Center library location on the following dates and times:

- a. March 15, 2023 - 10:07 am to 10:11 am, 10:12 am to 10:13 am, 10:14 am to 11:43 am



- b. March 16, 2023 - 10:02 am to 10:17 am, 10:44 am to 10:48 am. 10:52 am to 12:07 pm
- c. March 17, 2023 - 10:05 am to 4:04 pm
- d. March 18, 2023 - 11:05 am to 2:27 pm
- e. March 19, 2023 - 1:06 pm to 1:35 pm and 3:46 pm to 4:28 pm
- f. March 20, 2023 - 11:48 am to 1:22 pm, 2:25 pm to 3:17 pm, 4:14 pm to 5:06 pm

These log in and log out times correspond with the times the threatening web comments were made using EWENS name.

13. Based on my training and experience, I understand that Cox Communications, Inc. headquartered in Atlanta, Georgia is the service provider associated with the IP address that EWENS is utilizing to send the threatening comments to the victim. This service utilizes the internet, an international network of interconnected servers and computers throughout the country and the world, to provide the email services, which is an instrumentality of interstate and foreign commerce.

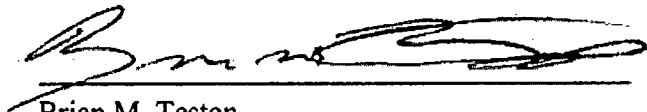
#### **CONCLUSION**

14. Based on the foregoing, I believe that there is probable cause to support that between January 17, 2023, and March 22, 2023, within the District of Arizona and elsewhere, EWENS violated federal law by committing Interstate Communications Involving a Threat, in violation of 18 U.S.C. § 875(c), as well as Cyberstalking, in violation of 18 U.S.C. §§ 2261A(2) and 2261(b).

15. This affidavit is being sworn telephonically before a United States Magistrate Judge legally authorized to administer an oath for this purpose. I have thoroughly reviewed the affidavit and attest that there is sufficient evidence to establish probable cause that the defendant committed the crimes alleged.

16. I respectfully request that an arrest warrant be issued for EWENS.

Pursuant to 28 U.S.C. § 1746(2), I declare that the foregoing is true and correct to the best of my knowledge and belief.



Brian M. Teston  
Deputy U.S. Marshal  
United States Marshal Service

Subscribed and sworn to before me this 23 day of March, 2023. 9:32 PM



HONORABLE DEBORAH M. FINE  
United States Magistrate Judge